IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

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WRIT PETITION NO :18121 OF 1994 &

WRIT PETITION 13344 of 1994

WP.18121/1994

Between:

1. M. Satyanarayana s/o Ammineedu
   resident of Kota Village, East Godavary District.
2. K. Jagadeshwari W/o. Satyanarayana,
   resident of Kota Village, East Godavary District.
3. Chekuri Audinarayana s/o Jagapathi Ramaiah,
   resident of Kota Village, East Godavary District.
4. Ch. Venkata Krishna s/o Adinarayana
   resident of Kota Village, East Godavary District.
5. Chekuri Ramu s/o. Adinarayana
   resident of Kota Village, East Godavary District.
6. Rimmalapudi Padmavathi,
   resident of Kota Village, East Godavary District.
7. Chelli Venkamma w/o China Rayudu
   resident of Kota Village, East Godavary District.
8. Chekuri Pattabhi Ramaiah s/o Jagapathi Ramayya
   resident of Kota Village, East Godavary District.
9. Ganni Seshagiri Rao s/o Pattabhi Ramayya
   resident of Kota Village, East Godavary District.
10. M. Ramachandra Rao s/o Rama Rao
    resident of Kota Village, East Godavary District.
11. M. Satya Sreedhar s/o Veeraraghavayya
    resident of Kota Village, East Godavary District.
12. Mulakala Venkata Suryanarayana s/o Dasaratharamayya
    resident of Kota Village, East Godavary District.
13. Tadala Ganga Raju
    resident of Kota Village, East Godavary District.
14. Ganni Pattabhiramaiah s/o Pattabiramaiah
    resident of Kota Village, East Godavary District.

15.Epperla Sasikala w/o Venkata Krishna Rao
residents of Kota Village, East Godavary District.
16.Ganni Suryakantham w/o Pattabhiramaiah
resident of Kota Village, East Godavary District.
17.Ganni Bulli Ammai w/o Pattabhiramaiah
resident of Kota Village, East Godavary District.
18. G. Rajarajeshwari w/o Gopalarao
resident of Kota Village, East Godavary District.

..... PETITIONERS

AND

1. The District Collector, East Godavari District, Kakinada.
2. The Sub Collector & Land Acquisition Officer, Rajahmundry,
East Godavary District..
3. The Chief Engineer CERP, Chavaleswaram East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or Writ particularly one in the nature of Writ of Mandamus, directing the respondents herein to pay the 80% compensation for the lands acquired from them for escavation of subsidiary drain from taki drain along with interest of 18% per annum.

W.P.13344/1994

Between:

1. Vattikuti Venkata Raju, s/o. Janaki Ramaiah, r/o. Jampet, Rajamundry.
2. V.S.Prakasa Rao, S/o. Venkata Raju, r/o. Jampet, Rajamundry.
3. G.Varalakshmi, w/o. Mohana Rao, r/o. Jampet, Rajamundry.
4. Akkale Kantamma, W/o. Vadapalli, R/o. Pathakota,Pamarru(M),
East Godavari District.

..... PETITIONERS

AND

1. The Dist Collector, East Godavari District at Kakinada.
2. The Sub-Collector and Land Acquisition officer,
Rajahmundry, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus directing the respondents to pay 80% compensation to the petitioners for the lands acquired from them for escavation of subsidiary drain from taki drain along with interest at 18% per annum.

Counsel for the Petitioners in both the W.Ps: MR.V.S.R.ANJANEYALU

Counsel for the Respondents in both the W.Ps: GP FOR LAND ACQUISITION

The Court made the following:

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COMMON ORDER:

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Heard both sides.

2. In these two writ petitions, the petitioners seek Writ of Mandamus for a direction to pay the compensation of 80% per annum by the land acquired for escavation of subsidiary drain from taki drain along with interest at 18% per annum.

3. The case of the petitioners is that even though the lands have been acquired, no amount of compensation has been paid. Hence, the writ petition.

4. In the counter affidavit, filed by the first respondent, it is submitted that in respect of the very same acquisition proceedings, the persons who have substantiated their claim, have already been paid, whereas no notice has been given to the petitioners, nor they have produced any documentary evidence and hence, the amount could not be paid.

5. Having considered the submissions made and also on perusal of the material it is seen that only for want of production of documentary evidence in support of their claim, the petitioners were appears to have not paid. Further, it also appears that the petitioners did not approach the respondents' authorities. In view of the same it is not necessary to go into the merits of the case, and it would suffice in the interests of justice to direct the petitioners to approach the respondents-authorities with proper proof in support of their claim and on the basis of which, the respondents shall pay the compensation, to which they are entitled under law.

6. Subject to the above observation, the writ petitions are disposed of. No costs.

B. PRAKASH RAO, J

Dt.09-09-2004

Glv/skmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copies to

1. The District Collector, East Godavari District, Kakinada.
2. The Sub Collector & Land Acquisition Officer, Rajahmundry,
East Godavary District..
3. The Chief Engineer CERP, Chavaleswaram East Godavari District.

4. Two CCs to the Government Pleader for Revenue, High Court
Buildings, Hyderabad. (O.U.T)

5. Two CCs to the Government Pleader for Land Acquisition, High Court
Buildings, Hyderabad. (O.U.T)

6. Two C D copies.